

Steven John Moser (SM1133)
MOSER LAW FIRM, P.C.
5 E. Main Street
Huntington, NY 11743
Attorney for plaintiffs

FILED
2022 MAY 31 PM 1:09
CLERK
U.S. DISTRICT COURT
E.D.N.Y.

Massimo Gammella
14142 72nd Dr.
Flushing NY 11367

FILED
2022 JUN -6 PM 2:13
CLERK
U.S. DISTRICT COURT
E.D.N.Y.

NEW YORK May 31st, 2022

SANTOS HERNANDEZ, EMANUEL DE JESUS LEVIANO and MIGUEL ANTONIO VASQUEZ, IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

Case NO.: **20-cv-4026**

★ **JUN 06 2022** ★

against

LONG ISLAND OFFICE

ROSSO UPTOWN, LTD., MICHELE TIZZANO S/H/A MICHAEL TIZZANO and MASSIMO GAMMELLA

RECEIVED

Your Honor,

JUN 07 2022

On a conversation with Mr. Moser he disclosed that Mr. Miguel A. Vasquez, one of his clients, named on this lawsuit is refusing representation and he is seeking dismissal, Mr. Moser said that Mr. Vasquez is currently employed with my establishment, Mr. Moser requested in a written email (**exhibit A**) if I could ask Mr. Vasquez to contact him so he could sign a dismissal of representation, honestly I do not believe it is my job to ask his client to make contact with him and if his client refuses representation it is his prerogative to do so, on the same note a related incident happen at my place of work, apparently another of his clients named on this lawsuit, Mr. Emanuel De Jesus Leviano, known to me with a different name, showed up announced, when asked him about the lawsuit and after showed him his name on the complaint confirmed by him, he said that was never part of this case, a recorded conversation is available in which he denies to be involved in the case.

EDNY PRO SE OFFICE

On the base of these circumstances I ask to know who is Mr. Moser really representing, can his clients appear in court stating that they are indeed part of this lawsuit?

Respectfully,

Massimo Gammella



RECEIVED

MAY 31 2022

EDNY PRO SE OFFICE

SCANNED

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Santos Hernandez, Emanuel De Jesus Lievano and
Miguel Antonio Vasquez,,

Plaintiff(s),

-against-

Rosso Uptown Ltd., Michele Tizzano s/h/a Michael
Tizzano and Massimo Gammella,,

Defendant(s).

**STIPULATION OF
VOLUNTARY DISMISSAL OF
THE CLAIMS OF MIGUEL
ANTONIO VASQUEZ**

Case No. 20-cv-04026-JMA-SIL

Plaintiff(s) Miguel Antonio Vasquez, and Defendant(s) Rosso Uptown Ltd., Michele Tizzano s/h/a Michael Tizzano and Massimo Gammella, hereby stipulate under Federal Rule of Procedure 41(a)(1)(A)(ii), that the claims of the Plaintiff Miguel Antonio Vasquez *only* are hereby dismissed with prejudice.

The parties represent by their signatures hereunder that they have not settled the claims made in this lawsuit nor is this stipulation an attempt to circumvent the requirement for judicial approval of a settlement.

Dated:



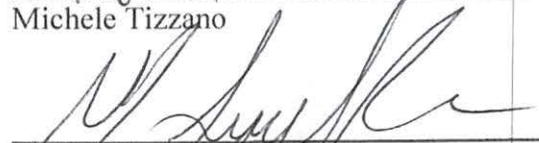
Miguel Antonio Vasquez

Dated:

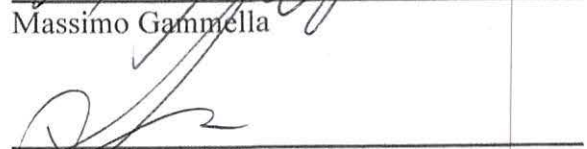


Michele Tizzano

06/06/2022



Massimo Gammella



Rosso Uptown, Ltd.

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U.S. DISTRICT COURT
E.D.N.Y.

★FILED★

2022 JUN -6 PM 2:13

CLERK
U.S. DISTRICT COURT
E.D.N.Y.

A

EXHIBIT

[Handwritten signature]

From: MM
Sent: Wednesday, May 25, 2022 9:54 AM
To: Abraham Hamra
Subject: Fwd: Rossouptown Re 20-cv-04026-JMA-SIL

Court ✓
C

This Attorney is unreal
But anyway I'm sending this to give u a idea I'll call you in a little while
Thank you

Begin forwarded message:

From: Steven Moser <steven.moser@moserlawfirm.com>
Date: May 19, 2022 at 1:15:53 PM EDT
To: Peperosso <mm@rossouptown.com>
Subject: RE: Rossouptown Re 20-cv-04026-JMA-SIL

Mr. Gammella

My clients are available for depositions on July 6 (Santos Hernandez) and July 11 (Emmanuel Lievano). You are more than welcome to use our court reporter if you like.

I will forward a stipulation of dismissal without prejudice to you for Mr. Vasquez. As he is currently employed by you, I ask that you tell him to call me at 516-671-1150 so we can arrange for him to sign the document.

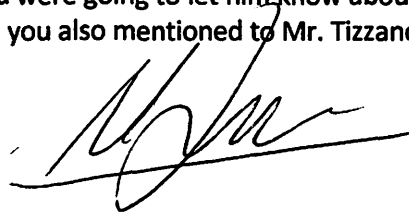
If you are obtaining advice from an attorney, I am more than happy to speak to the individual who is advising you so that I can clarify things. I will not insist that he/she file a notice of representation.

Regards,

SJM

From: Peperosso <mm@rossouptown.com>
Sent: Thursday, May 19, 2022 12:34 PM
To: Steven Moser <steven.moser@moserlawfirm.com>
Subject: RE: Rossouptown Re 20-cv-04026-JMA-SIL

Hello Mr. Moser,
I understand that your clients depositions were supposed to be requested on the day of our last conference call but Mr. Tizzano called you to request a date for your clients depositions and you told him that you were going to let him know about those dates but you never did, on that same occasion you also mentioned to Mr. Tizzano that one of you



clients (Miguel A. Vasquez) involved in this case is withdrawing and that you were going to send us some kind of papers proving that, again you never did.

Please provide, asap, dates and location for your clients depositions before mine and Mr. Tizzano's, so that we have time to hire a court recorder.

Regards,
Massimo Gammella

Sent from [Mail](#) for Windows

From: [Steven Moser](#)
Sent: Thursday, May 19, 2022 9:21 AM
To: [Peperosso](#)
Subject: RE: Rossouptown Re 20-cv-04026-JMA-SIL

Mr. Gammella

We never indicated that we would not produce our clients for a deposition. However, Defendants never requested a deposition until after the Plaintiff's deposition was already scheduled. My assistant is out sick today, but we will get back to you with dates for our client's depositions.

Regards,

SJM

From: Peperosso <mm@rossouptown.com>
Sent: Wednesday, May 18, 2022 3:17 PM
To: Steven Moser <steven.moser@moserlawfirm.com>
Subject: Rossouptown Re 20-cv-04026-JMA-SIL

Good afternoon Mr Steven Moser attorney representing plaintiff in the case above mentioned

This is Mr Massimo Gammella representing my self in this matter

Just wanted to again contact you regarding a date that we need for a depositions of your clients

Mr Tizzano other defendant on this case, called you 3 weeks ago requesting the same I myself called your office 2 weeks ago and we never got or received any answer or dates for us to set up a deposition for the plaintiffs your clients which I don't not even know who two of them are in any case.

Just want to make it clear to you and the court that I Massimo Gammella in the reference case 20-cv-04026-JMA-SIL

I never relinquished my right to have your clients the plaintiffs to a deposition before my deposition that is actually set up for June 2nd

I firmly believe that your client should be making a deposition and before my depositions date

In any case I will update the court and Hon. Steven I Locke the Judge on this matter



C

Please contact me by Phone at 516633799 or by Replying to this email with and dates for you Clients deposition

Sent from [Mail](#) for Windows

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

From: MM
Sent: Thursday, June 2, 2022 9:17 AM
To: Steven Moser
Subject: M Gammella

I couldn't real use the phone they put now in a different room anyway
They are doing more testing
I'll been here and I tried to ask but I'm
I'm not leaving until they are done hopefully they won't keep here overnight
Anyway like I said I have to much going on
So first my doctor said it's my health
This stress it's not helping
Thank you

A handwritten signature in black ink, appearing to be 'M. Gammella', with a long horizontal line extending to the right.

From: MM

Sent: Wednesday, May 25, 2022 9:55 AM

To: Abraham Hamra

Subject: Fwd: Gammella

Subject: Gammella

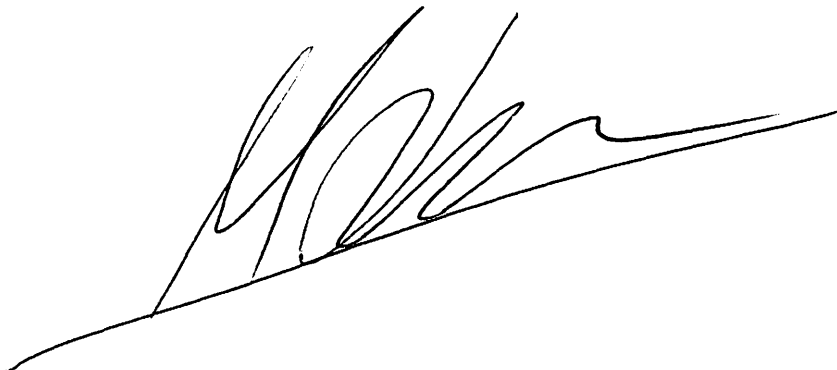
Good morning Mr Moser

Well I'm happy that we got the dates for your clients deposition but unfortunately

Does dates do not work my Father is sadly terminally ill and I already had made arrangements to go in Italy to see him

And take care of important family matters

I won't be here in the country from July 1 to July 13th please let me know if your clients are available before or after this dates thank you in advantage

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

From: MM

Sent: Thursday, June 2, 2022 9:32 AM

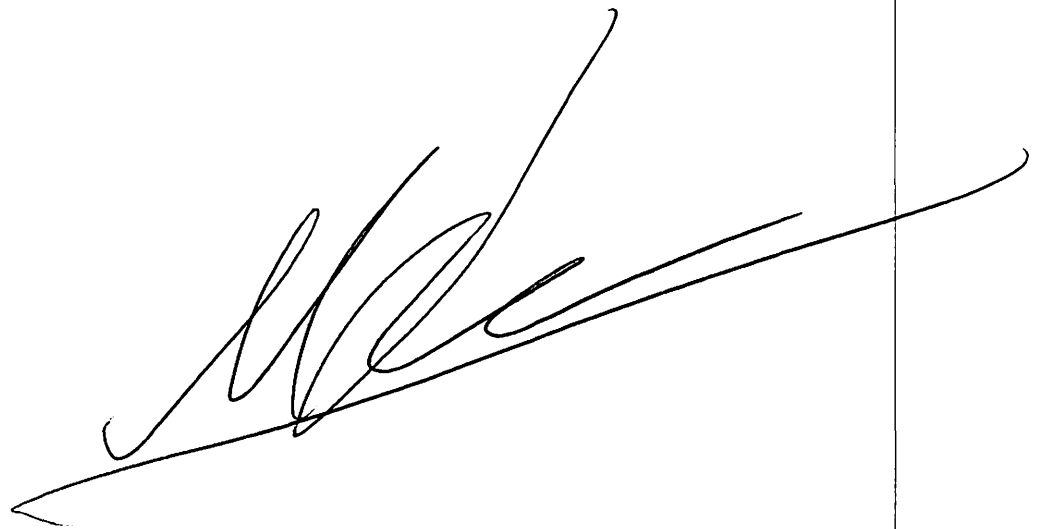
To: Steven Moser

Subject: Gammella

Mr Moser

Just wanting to remind you that you missed not one not two but three court conference calls that required no travelling at all, my father's health, my mental and physical health comes before your insensitivity and your way of being over litigious, as far as I concerned for fees and everything else do what you see fit, this conversation is over.

Have a good day.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Original

AFTER VISIT SUMMARY

NewYork-Presbyterian

Massimo Gammella MRN: 1400799147

6/2/2022 NYPQ Emergency 718-670-1100

THIS AS PROOF OF MY STAY AT THE HOSPITAL

Instructions

- You were seen in the Emergency Department today for chest pain. Please see the patient education handout.
- Make an appointment to see your primary medical doctor, in the next 1-3 days or as soon as possible.
- If you do not have a primary doctor, please call the number provided listed on the front of the discharge paperwork to find one.
- If you have trouble making an appointment, inform the office that you were recently seen in the Emergency Department, and it is an urgent matter.
- Bring a copy of your results from this visit with you to your appointment. If your symptoms worsen, are increasingly concerning, develop new symptoms, or you fear for your imminent safety, please return to the Emergency Department immediately. Specific symptoms to monitor that may lead you to return are provided in the attached handout.

Thank you for allowing us to help care for you and your family today.



Referral to Patient Navigation

Expires: 7/2/2022 (requested)

What's Next

You currently have no upcoming appointments scheduled.

You are allergic to the following

No active allergies

NYP Virtual Urgent Care

Get a quick diagnosis and treatment plan in minutes with Virtual Urgent Care: nyp.org/urgentcare.

Care Team

No active team members.

Today's Visit

You were seen by Kallie Combs, DO

Reason for Visit

- Shortness Of Breath
- Dizziness

Diagnosis

SOB (shortness of breath)

Lab Tests Completed

Activated PTT
 Automated Differential
 Basic Metabolic Panel
 CBC Panel w/Platelets + Differential
 Estimated Glomerular Filtration Rate (EGFR)
 ProBeta (B-Type) Natriuretic Peptide, NT
 Prothrombin Time w/INR
 Respiratory Pathogen PCR Panel
 Troponin T performed 3 times

Imaging Tests

ECG 12 Lead
 XR Chest Standard (PA, Lat)



Blood Pressure
 135/93



BMI
 27.98



Weight
 195 lb



Height
 5' 10"



Temperature (Oral)
 97.9 °F



Pulse
 54



Respiration
 16



Oxygen Saturation
 97%

HEART PROBLEMS

Additional Contact Information

General Hospital Information:

- **Hospital Emergency Department:** 718-670-110

ED Test Results/Prescription Issues:

- **Contact:** 718-670-1100

ED Radiology Results:

- **Contact:** 718-670-110

Medical Records Department (for copies of charts):

- **Contact:** 718-670-1090

Patient Services:

- **Contact:** 718-670-1110

Hospital Billing Inquires:

- **Contact:** 212-297-4545

Global Services:

- **Contact:** 212-746-9100

Find a Physician at NYP:

- **Contact:** 1-877-NYP-WELL

Discharge Medications Safety Steps

IMPORTANT - Medication Safety Steps for You to Follow

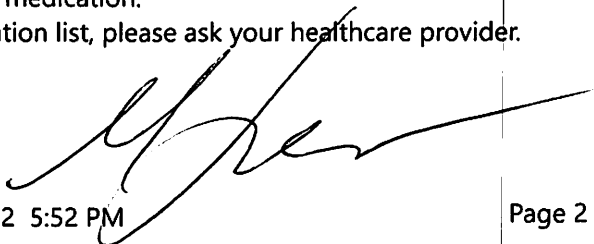
Keep a list of all the medication you are taking including:

- Prescription medication ordered by your health care provider
- Over-the-counter medication (like Tylenol, Aspirin, Advil or Motrin, cold or cough medication, antacids, laxatives)
- Dietary supplements such as:
 - Vitamins (like vitamin C or E)
 - Minerals (like calcium or iron)
 - Herbal remedies (like ginkgo biloba)

It is important for you to have this medication list. It will help your health care provider in making decisions related to your health conditions. Bring your medications with you when possible.

Things you should do:

- Make a list of all medications you are taking - include the medication name and strength, amount you take, time to be taken and the reason you are taking this medication.
- Carry this medication list with you at all times in case of an emergency.
- Give this medication list to your health care provider at your next visit.
- Update this list each time when there is a change to your medication.
- If you have questions or need help updating your medication list, please ask your healthcare provider.



Smoking Cessation

Smoking is detrimental to your health. If you currently smoke or have smoked in the past 12 months, you are advised to stop. You are also advised to avoid exposure to second hand smoke. You may call the quit line at 1-888-609-6292 or 1-866-NYQUITS for help.

Your Medication List

You have not been prescribed any medications.

A handwritten signature in black ink, appearing to read 'M. Gammella', is located in the lower right quadrant of the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

OMH Mental Health Resources Pamphlet



Office of
Mental Health

Hope. Recovery. Resilience.

Andrew M. Cuomo, Governor

Ann Marie T. Sullivan, MD, Commissioner

How can I find help after I leave the hospital?

Planning ahead can help people living with mental illness avoid a crisis situation. By talking with your doctor and treatment team, you can develop a plan that will help you if you feel your symptoms are returning. **Be sure to have the number of a contact person to call before you leave the hospital.**

The first thing to do if you feel your health worsening is to call your contact person or your mental health professional. If you don't currently have a mental health professional, make an urgent appointment with a primary care physician just as you would for the flu or an infection, so that you can begin finding support quickly.

You can also make an appointment with a mental health professional through OMH's "Find a Mental Health Program" or in New York City by calling NYCWell at 1-888-NYC-WELL or texting "WELL" to 65173.

Find a Mental Health Program

You can use the OMH "Find a Mental Health Program" guide (<https://my.omh.ny.gov/bi/pd/>) to find clinic, outpatient, crisis, and emergency services in your area. The Program Directory provides a list of all programs in New York State that are operated, licensed, or funded by the Office of Mental Health. The directory provides information on all types of mental health services.

Are you experiencing a crisis?

Don't have a mental health provider or can't reach them?

Fortunately, there are many organizations that offer help for people going through a difficult time. They can be an important first step in getting the help you need. Some hotlines that can help you find support and services include:

National Suicide Prevention Lifeline

If your life or someone else's is in imminent danger, please call 911. If you are in crisis and need immediate help, please call: 1-800-273-TALK (8255).

Crisis Text Line

New York State has partnered with Crisis Text Line, an anonymous texting service available 24/7. Starting a conversation is easy. Text GOT5 to 741741.

Domestic Violence

If you or someone else is in a relationship being controlled by another individual through verbal, physical, or sexual abuse, or other tactics, please call: 1-800-942-6906.

National Empowerment Center

An advocacy and peer-support organization run by consumers and ex-patients in recovery. Call: 800-power2u (800-769-3728)

National Alliance on Mental Illness

NAMI offers a hotline (1-800-950-NAMI (6264))

OMH Mental Health Resources Pamphlet (continued)

and email address (info@nami.org) to help answer your questions about local support groups, services and treatment options.

The Trevor Project

Provides crisis intervention and suicide prevention services to lesbian, gay, bisexual, transgender and questioning youth. Call: **1-866-488-7386**

If you still cannot get the help you need and are experiencing a crisis, you should:

- **Call 911** — Tell the operator that it is a “mental health emergency” and ask for emergency responders with Crisis Intervention Team (CIT) training. Many first responders will approach a mental health situation differently if they know what to expect.
- **In New York City**, you can call NYC Well for help in a crisis at **1-888-NYC-WELL** or texting “WELL” to 65173.
- **Go to the emergency room at your local hospital.** If you are in crisis and it’s not possible to get in touch with a mental health or crisis specialist, a visit to an emergency room is your best option.

Know your rights for insurance coverage

New York State has a new program to help people access their insurance coverage for substance use disorders and mental health services.

The new Ombudsman Program, called **Community Health Access to Addiction and Mental Healthcare Project (CHAMP)** can help you better understand your legal rights to behavioral health insurance coverage and help you to access treatment and services. The Ombudsman’s Office can also help with health insurance coverage. A general mailbox (Ombuds@oasas.ny.gov) and a hotline number (**888-614-5400**) have been established for questions.

Remember, it’s OKAY to seek support.

Far too many people who have behavioral health concerns for themselves or their family members are reluctant to seek advice or treatment because of the stigma surrounding mental illness. Fortunately, that is changing.

People are realizing that mental illness is not a weakness or personal failing. There is no shame in seeking out mental health services, just as there’s no shame in seeking medical treatment for high blood pressure, diabetes, or physical rehabilitation.

The New York State Office of Mental Health operates psychiatric centers across the state, and also regulates, certifies and oversees more than 4,500 programs, which are operated by local governments and nonprofit agencies. To contact OMH or one of its Field Offices located across the state:

New York State Office of Mental Health

Albany (800) 597-8481, www.omh.ny.gov

Western New York Field Office

Buffalo (716) 533-4075

Central New York Field Office

Syracuse (315) 426-3933

Hudson River Field Office
Poughkeepsie (845) 454-8229



Original

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2022 JUN -6 PM 2:13

4Santos Hernandez.Emanuel De Jesus Lievano and
Miguel Antonio Vasquez

Plaintiff,

Affirmation of Service

-against-

Rosso Uptown ltd.Michele Tizzano.Massimo Gammella

20 CV04026-JMA (SIL)

Defendant.

I, Massimo Gammella, declare under penalty of perjury that I have
served a copy of the attached Documents
upon Mr Steve Moser attorney for the plaintiff
whose address is: 5 east Main St,Hhuntington,NY,11743

Dated: 6/6/22, New York


Signature

24 Manorhaven blvd
Address

Port Washington NY 11050
City, State, Zip Code


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Return Receipt			\$3.05
Tracking #:	9590 9402 7486 2055 1487 78		
Affixed Postage			-\$0.58
Affixed Amount: \$0.58			
Total			\$7.20

Grand Total: \$7.93

Debit Card Remitted \$7.93

Card Name: VISA

Account #: XXXXXXXXXXXXX1456

Approval #: 023326

Transaction #: 465

Receipt #: 016312

Debit Card Purchase: \$7.93

AID: A0000000980840

Chip

AL: US DEBIT

PIN: Verified

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11/38

09

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06/06/2022

CAL R #

20-cv-04026-SMA-SI

Massimo G. A. Murelli



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